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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuji SEZAI et al.

Group Art Unit: 1755

Application No.: 09/944,590

Examiner: C. Koslow

Filed: September 4, 2001

Docket No.: 110537

For: MAGNETIC CORE FOR xDSL MODEM TRANSFORMER AND ITS COMPOSITION

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In reply to the February 4, 2003 Restriction Requirement, Applicants provisionally elect Group II, claims 6-10, with traverse.

The Restriction Requirement of Groups I, II and III is improper and should be withdrawn. According to MPEP §803, there are two requirements that must be met before a proper Restriction Requirement may be made. These two requirements are: "The inventions must be independent . . . or distinct as claimed; and there must be a serious burden on the Examiner if restriction is not required . . ." (emphasis added). Applicants respectfully submit that the Office Action has failed to establish the second requirement set forth in MPEP §803, that a serious burden exists on the Examiner if restriction is not required between the Groups of claims.

In the present application, Group I is directed to a magnetic core composition for an xDSL modem transformer comprised of MnO<sub>x</sub>, ZnO, and Fe<sub>2</sub>O<sub>3</sub>, Group II is directed to a magnetic core for an xDSL modem transformer comprised of MnO<sub>x</sub>, ZnO, and Fe<sub>2</sub>O<sub>3</sub>, and Group III is directed to a magnetic core for a transformer having a defined structure and further

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comprised of MnO, ZnO, and Fe<sub>2</sub>O<sub>3</sub>. Accordingly, search and examination of the subject matter of Group II would encompass a search for the subject matter of Groups I and III, and any additional search would not impose a serious burden upon the Examiner.

It is therefore respectfully asserted that the search and examination of the entire application could be made without serious burden. MPEP §803 states that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). Because Applicants have elected Group II, directed to a magnetic core for an xDSL modem transformer comprised of MnO, ZnO, and Fe<sub>2</sub>O<sub>3</sub>, the further search and examination of Groups I and III, directed to a magnetic core composition for an xDSL modem transformer and a magnetic core for a transformer having a defined structure, would not place a serious burden upon the Examiner.

For at least these reasons, and in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn.

Respectfully submitted,

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JAO:HJV/sxb

Date: March 4, 2003

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